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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,853	12/29/1999	CHERYL LANIER	FDC-0143-PUS	1543
22045	7590	12/03/2004	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/473,853

Applicant(s)

LANIER ET AL.

Examiner

Charles R Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to ~~Communication(s)~~ July 14, 2004 Board Decision.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

In view of the Decision by the Board of Patent Appeals and Interferences of July 14, 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

The finality of the office action of April 22, 2002 is withdrawn.

#### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' prior art admission regarding identification of excluded persons at page 1-3 of the Specification in view of US 5,679,938 *Templeton*

**Regarding Claim 10**, Applicants' admissions of prior art disclose the invention substantially as claimed, including a method for cashing a check presented by an individual in a casino, the steps of:

- a) providing an exclusion list database for casinos (Page 2, lines 6-7), wherein the exclusion list database stores a list of individuals to be excluded from cashing

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checks (Page 1, lines 14-20) and at least one checking account identifier for each individual of the list of individuals (Page 1, lines 18-25);

b) receiving a check presented by an individual for cashing (Page 2, lines 18-20);

c) magnetic ink character recognition (MICR) information of the check presented by the individual (Page 1, line 23);

d) identifying a checking account identifier associated with the individual presenting the check (Page 2, lines 25-30) based on the MICR information of the presented check (Page 1, lines 21-25; Applicants disclose at least two types of identifying information, SSN and MICR);

e) comparing the checking account identifier associated with the individual presenting the check with the at least one checking account identifier for each individual of the list of individuals stored in the exclusion list to determine whether the individual presenting the check is an individual to be excluded from cashing checks, wherein the individual presenting the check is determined to be an individual to be excluded from check cashing if the checking account identifier associated with the individual presenting the check matches a checking account identifier stored in the exclusion list database (Page 2, line 27 to Page 3, line 4);

g) preventing the presented check from being cashed if it is determined that the individual presenting the check is an individual to be excluded cashing checks (Page 3, lines 2-4; it would be nonsensical to cash a check after the person is identified as listed on the exclusion list); and

h) cashing the presented check if it is determined that the individual presenting the check is not an individual to be excluded from cashing checks (Page 2, lines 12-24; it would also be nonsensical to not cash a check for a person not excluded).

Applicants' admissions do not disclose the automated elements whereby a POS device scans a MICR code to identify a checking account identifier and transmitting the identifier to a host computer. *Templeton* discloses a POS device scanning a MICR code (Col. 5, lines 47-52) to identify a checking account identifier (Col. 5, lines 47-57) and transmitting the identifier to a host computer (Col. 5, lines 47-57; Col. 7, lines 42-64) and comparison of MICR data to identification in an approval database (Col. 32, lines 44-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the manual method for identification of an excluded person disclosed by Applicants' admissions to be performed using the automated elements of *Templeton* because this would make the process less cumbersome and faster. A goal of simple and accurate check approval, (i.e., simple and accurate customer identification) is specifically set out by *Templeton* at Col. 1, lines 39-47, as follows:

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*In light of the potential losses associated with accepting checks, merchants have sought ways to accurately differentiate between good checks and bad checks. Accuracy is essential because merchants want to reject as many bad checks as possible while also rejecting as few good checks as possible. Due to the nature of a retail environment, a merchant's decision to accept or reject a check must be made prior to completion of the transaction, and must be made quickly while customers wait.*

The Examiner notes that this speed of processing disclosed by *Templeton* is the same characteristic disclosed as desirable by Applicants at page 2, lines 12-20.

**Concerning Claim 11**, Applicants' admissions do not specifically disclose an additional check acceptance program. *Templeton* discloses an additional check acceptance program at Fig. 5, element 210 and Col. 19, lines 16-34. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Applicants' admissions to include an additional check acceptance program because this would provide a "back-up" method to identify excluded persons. If the primary acceptance program were unavailable, the additional program would continue to provide identification of excluded persons. Redundancies make for reliability.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CRK*  
crk  
September 9, 2004

*[Signature]*  
JOHN J. LOVE  
DIRECTOR  
TECHNOLOGY CENTER 3600

*[Signature]*  
HANI M. KAZIMI  
PRIMARY EXAMINER